

**REMARKS**

Claims 1-16 are pending in this application. By this Amendment, claims 1 and 9 are amended, and claims 13-16 are added. Reconsideration based on the above amendments and following remarks is respectfully requested.

Applicant thanks the Examiner for the indication that claims 5-7 contain allowable subject matter and would be allowed if rewritten in independent form including all of the features of the base claim.

**I. The Claims Define Allowable Subject Matter**

The Office Action rejects claims 1-4 and 9-11 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,526,269 to Ishibashi; and claims 8 and 12 under 35 U.S.C. §103(a) as being unpatentable over Ishibashi in view of U.S. Patent No. 5,737,711 to Abe. These rejections are respectfully traversed.

The applied art fails to disclose a vehicle traveling state recording method comprising recording information on traveling states in a memory built into a computer, which controls an amount of fuel supply, for engine control and reading the recorded information out from the memory and outputting the read-out information from an output terminal, as recited in claim 1 and similarly recited in claim 9.

Instead, Ishibashi discloses periodically recording a traveling speed of a vehicle in a memory card inserted into a measurement device. The memory card is set to an analysis device to read out the recorded traveling speed of the vehicle. Ishibashi's device is dedicated to measure a traveling speed of a vehicle, but is not an engine control unit.

Abe discloses a device which reads out the contents of a memory of an EFI computer from a dedicated failure diagnosis device. Information recorded in the memory includes the engine revolutions, the intake pipe pressure, and the throttle opening.

As discussed above, the features of claims 1 and 9 include recording information on traveling states including a traveling speed of a vehicle in a computer for engine control continuously and outputting the recorded information by a predetermined operation. This feature is different than the applied art.

Instead, Ishibashi adapts the device dedicated to measure a traveling speed of a vehicle, but does not adapt an engine control unit. Accordingly, in order to determine whether a user has broken the speed limit, a user of a vehicle must mount Ishibashi's device on the vehicle.

Furthermore, Ishibashi discloses recording a traveling speed of a vehicle in the memory card, detaching the memory card from the measuring device in order to read out the recorded traveling speed of the vehicle, and then attaching the detached memory card to the analysis device to read out the vehicle speed from the memory card. Thus, because the memory card is detachable, the data stored in a memory card may be manipulated between detaching and re-attaching the memory card.

On the other hand, in the present invention, a vehicle traveling speed is recorded in a memory built into the engine control unit. The recorded traveling speed can be read out of the memory without detaching the memory. Thus, it is more difficult to manipulate the recorded data since the step of detaching and re-attaching the memory card has been eliminated. As a result, the present invention has a higher reliability than the applied art.

Furthermore, with respect to claims 6 and 11, Ishibashi fails to disclose displaying the recorded traveling speed on a speed meter of the vehicle. Instead, Ishibashi discloses displaying traveling speed on the dedicated analysis device.

Thus, the applied art fails to disclose all of the features of the present invention. For at least the reasons discussed above, it is respectfully submitted that claims 1 and 9 are distinguishable over the applied art. Furthermore, claims 2-8 and claims 10-12, which

depend from claims 1 and 9, respectively, are likewise distinguishable over the applied art for at least the reasons discussed above as well as for the additional features they recite.

Accordingly, withdrawal of the rejection of claims under 35 U.S.C. §102 and §103 is respectfully requested.

With respect to new claims 13 and 14, as discussed above, the Office Action indicates that claims 5 and 7 contain allowable subject matter and would be allowable if rewritten in independent form including all of the features of the base claim. Accordingly, claim 13 incorporates the features of claim 5 and base claim 1. Similarly, claim 14 incorporates the features of claim 7 and base claim 1. Thus, it is respectfully submitted that claims 13 and 14 are in condition for allowance.

With respect to new claims 15 and 16, the applied art fails to disclose recording information on traveling states including a traveling speed of a vehicle in a time-series manner, as recited in claim 15, and similarly recited in claim 16. As discussed above, Ishibashi merely discloses recording traveling speed of a vehicle in a memory card inserted into a measurement device. Abe merely discloses reading out the contents of a memory.

Thus, the applied art fails to disclose all of the features of claims 15 and 16. For at least the reasons discussed above, it is respectfully submitted that claims 15 and 16 are distinguishable over the applied art. Accordingly, prompt allowance of claims 15 and 16 is respectfully requested.

## **II. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachment: Amendment Transmittal

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